

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : SUSEN ET AL.
International Application No. : PCT/EP99/06371
International Filing Date : August 30, 1999
U.S. Serial No. : 09/786,819
For : **METHOD FOR VERIFYING ACCESS
AUTHORIZATION FOR VOICE
TELEPHONY IN A FIXED NETWORK LINE
OR MOBILE TELEPHONE LINE AS WELL
AS A COMMUNICATIONS NETWORK**

Assistant Commissioner for Patents
U.S. Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202
~~Washington, D.C. 20231~~

PETITION TO REVIVE UNDER 37 C.F.R. 1.137(b)

Sir:

Applicants hereby petition to revive the above-identified patent application under 37 C.F.R. 1.137(b). The application became unintentionally abandoned for failure to timely respond to a Notice of Missing Parts having mailing date April 27, 2001.

The entire delay in filing a response to the Notice of Missing Parts from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

Enclosed herewith is a Transmittal Of Missing Requirements, an executed Declaration and Power of Attorney, a copy of the Notice of Missing Parts and a Petition Under 37 C.F.R. 1.47(a) And Declaration with attachments in response to the Notice of Missing Parts.

A favorable decision on this Petition to Revive and entry of the attached response

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to the Notice of Missing Parts are respectfully requested.

Please charge the amount of \$1,280.00 for payment of the fee under 37 C.F.R. 1.17(m) for filing this Petition to Revive under 37 C.F.R. §1.137(b) to Kenyon & Kenyon Deposit Account 11-0600.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment in connection with the papers transmitted herewith, to Deposit Account No. 11-0600. A duplicate copy of this paper is enclosed for charging purposes.

Respectfully submitted,

By: *Linda Study*
LINDA STUDY
Reg. No. 47084

Date: November 28, 2001

By: *Richard L. Mayer*
Richard L. Mayer
Reg. No. 22,490

KENYON & KENYON
One Broadway
New York, NY 10004
(Tel) 1-212-425-7200
(Fax) 1-212-425-5288

CUSTOMER NO. 26646

05/13/2002 HALI11 00000001 110600 09786819
01 FC:141 1280.00 CH

427472

[2345/147]

U.S. Serial No. 09/786,819

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Assistant Commissioner for Patents
Box PCT
U.S. Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202
~~Washington, D.C. 20231~~
Attention: DO/EO/US

RECEIVED
16 JAN 2002
Legal Staff
International Division

PETITION UNDER 37 C.F.R. 1.47(a) AND DECLARATION

I, Linda M. Shudy, state that I am an attorney, having U.S.P.T.O Registration No. 47,084, with the law firm of Kenyon & Kenyon located at One Broadway, New York, NY 10004, USA. I am writing this Declaration on behalf of Kenyon & Kenyon's long-standing client Deutsche Telekom AG located at Friedrich-Ebert-Allee 140, D-53113 Bonn, Federal Republic of Germany.

I hereby verify based upon the information received from Deutsche Telekom AG that the inventors, Axel Susen and Stefan Brock, were employed by Deutsche Telekom AG at the

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time of the invention of the subject matter described and claimed in patent application, Serial No. 09/786,819, which is the U.S. National Phase of International Application PCT/EP99/06371, having international filing date of August 30, 1999, and that this invention was made in the scope of the inventors' employment by Deutsche Telekom AG and rightly assignable to Deutsche Telekom AG.

Inventor Stefan Brock was presented with the Declaration and Power of Attorney and Assignment forms for this application and has duly executed the forms. The executed Declaration and Power of Attorney form is attached. The Assignment will be sent to the Patent Office for recordation; however, for information purposes, a copy of the Assignment executed by Stefan Brock is also attached hereto.

On May 22 and 23, 2001, I faxed to Deutsche Telekom AG a copy of the application (Substitute Specification and Preliminary Amendment and first page of the PCT application) filed, a Declaration and Power of Attorney form and an Assignment form to be signed by Deutsche Telekom AG's inventors Stefan Brock and Axel Susen. On May 23, 2001, I mailed to Deutsche Telekom AG a copy of the application (Substitute Specification and Preliminary Amendment and first page of the PCT application) filed, a Declaration and Power of Attorney form and an Assignment form to be signed by Deutsche Telekom AG's inventors Stefan Brock and Axel Susen. According to Deutsche Telekom AG, the inventors Stefan Brock and Axel Susen were given via appropriate means the application and the Declaration and Power of Attorney form and Assignment form. Stefan Brock signed and returned to Kenyon & Kenyon the Declaration and Power of Attorney form and the Assignment form. Axel Susen did not

respond to Deutsche Telekom AG or to Kenyon & Kenyon and cannot be located. Axel Susen has not been found and has not signed the Declaration and Power of Attorney form and the Assignment form that he was sent. See the attached copy of a signed statement (in German) by Ms. Hochstaetter of Deutsche Telekom AG stating that "Der Erfinder Herr Susen is 'unauffindbar'." (Roughly translated: "The inventor Mr. Susen is not to be found.") The last known address known to us, which is also the address to where those materials were sent, for nonsigning inventor Axel Susen is Heinrichsallee 66, 52062 Aachen, Federal Republic of Germany. Axel Susen has German citizenship. At later dates, via telephone, email and facsimile, Deutsche Telekom AG and I/Kenyon & Kenyon corresponded in further attempts to obtain the signature of Axel Susen on the Declaration and Power of Attorney form and Assignment form. However, Axel Susen could not be found through diligent effort. To my best knowledge, there has been no returned mail evidencing that Axel Susen is not available. Axel Susen has not responded and has not returned the signed Declaration and Power of Attorney form and the Assignment form as required by his agreement with Deutsche Telekom AG. Attached hereto is an email dated June 20, 2001 from the client Deutsche Telekom AG sent to me documenting that Axel Susen has not responded and has not been found to sign the Declaration and Power of Attorney and the Assignment forms. Deutsche Telekom AG and I/Kenyon & Kenyon have waited the maximum amount of time allowed for filing the signed Declaration and Power of Attorney form for this application effectively providing maximum time to allow Axel Susen to be found and to sign the form.

I hereby declare that all statements made herein of my own knowledge are true

and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The Commissioner is hereby authorized to charge any necessary fees to process this Petition Under 37 C.F.R. 1.47(a) And Declaration including the Petition Fee of \$130.00 stipulated in 37 C.F.R. 1.47(a) and 37 C.F.R. 1.17(i) to **Kenyon & Kenyon Deposit Account No. 11-0600**. A triplicate copy of this Petition Under 37 C.F.R. 1.47(a) And Declaration is enclosed.

Date: November 27, 2001

Name: Linda M. Shudy
Linda M. Shudy
Reg. No. 47,084

CUSTOMER NO. 26646

Kenyon & Kenyon
One Broadway
New York, NY 10004
(Tel) 1-212-425-7200
(Fax) 1-212-425-5288

Deutsche Telekom AG, Rechtsabteilung (Patente)
64307 Darmstadt

LUFTPOST AIRMAIL
Kenyon & Kenyon
Law Offices
One Broadway

NEW YORK, N. Y. 10004
USA

Ihre Referenzen 2345/147
Unser Zeichen P98101US.9P PA1-8, Jutta Hochstätter
Durchwahl (+49 61 51) 83-46 29 Telefax (+49 61 51) 83-58 43
Datum 23.07.2001
Betrifft Patentanmeldung

Sehr geehrte Damen und Herren,

als Anlage übersenden wir Ihnen die unterzeichneten Assignment und Declarartion zur o.g. Patentanmeldung.

Der Erfinder Herr Susen ist „unauffindbar“. Frau Rauscher wird sich deswegen mit Ihnen in Verbindung setzen.

Mit freundlichen Grüßen

i.A.

Jutta Hochstätter

Anlage

Recyclingpapier der Umwelt zuliebe

Hausanschrift Deutsche Telekom AG
Postanschrift Rechtsabteilung (Patente), Am Kavalleriesand 3, 64295 Darmstadt
Aufsichtsrat 64307 Darmstadt, Paket- und Besucheradresse: Am Kavalleriesand 3, 64295 Darmstadt
Vorstand Dr. Hans-Dietrich Winkhaus (Vorsitzender)
Dr. Ron Sommer (Chairman), Josef Brauner, Dr. Karl-Gerhard Eick, Jeffrey A. Hedberg,
Dr. Max Hirschberger, Dr. Heinz Klinkhammer, Kai-Uwe Ricke, Dipl. Ing. Gerd Tenzer
Handelsregister Amtsgericht Bonn HRB 6794, Sitz der Gesellschaft Bonn, Ust-IdNr. DE 123475223
Bankverbindung Postbank Saarbrücken, BLZ 590 100 66, Kto.-Nr. 166 095 662

Express Mail No. EL179952051US EL32755341US

Shudy, Linda

From: Rauscher, Marion [Marion.Rauscher@telekom.de]
Sent: Wednesday, July 04, 2001 9:44 AM
To: LShudy@kenyon.com
Subj ct: AW: Your file: 2345/147, Our file: P98101US.9P

Dear Linda,

Mr Susen's address: Axel Susen, Heinrichsallee 66, D-52062 Aachen
Thanks a lot!

Regards
Marion

-----Ursprüngliche Nachricht-----

Von: Shudy, Linda [mailto:LShudy@kenyon.com]
Gesendet am: Mittwoch, 20. Juni 2001 17:42
An: 'Rauscher, Marion'
Betreff: RE: Your file: 2345/147, Our file: P98101US.9P

Dear Marion,

Since one of the inventors is lost, we need to file a petition and fee. For the petition, we need to know the lost inventor's last known address.

The U.S. Patent and Trademark Office will send notice of the filed application to the lost inventor. They will also publish this in their Official Gazette. (37 C.F.R. 1.47)

If the lost inventor is later found, then the inventor can still join in on the application.

In the meantime, all the found inventor(s) should still apply for the application.

I expect that Susen's last known address is that which is on the Declaration. Could you please confirm this?

Regards always,
Linda

-----Original Message-----

From: Rauscher, Marion [mailto:Marion.Rauscher@telekom.de]
Sent: Wednesday, June 20, 2001 10:06 AM
To: LShudy@kenyon.com
Subject: Your file: 2345/147, Our file: P98101US.9P

Dear Linda,

Referring to the patent application mentioned above we have a problem: One of the inventors Mr. Susen is lost. We are not able to find him, nobody knows where he is. Could you please assist me in that case?

Regards

Marion

Marion Rauscher
Deutsche Telekom AG
Rechtsabteilung (Patente) PA1-4

Express Mail No. ~~EL179952051US~~ EL327553417US

64307 Darmstadt

Tel. +49(0)6151-83 58 46

FAX +49(0)6151-83 58 43

E-Mail: <mailto:/marion.rauscher@telekom.de>

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **METHOD FOR VERIFYING ACCESS AUTHORIZATION FOR VOICE TELEPHONY IN A FIXED NETWORK LINE OR MOBILE TELEPHONE LINE AS WELL AS A COMMUNICATIONS NETWORK**, the specification of which was filed as International Application No. PCT/EP99/06371 on August 30, 1999, and filed as U.S. application on March 9, 2001 having U.S. Serial No. 09/786,819 for Letters Patent in the U.S.P.T.O.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

PRIOR FOREIGN APPLICATION(S)

Number	Country Filed	Day/Month/Year	Priority Claimed Under 35 USC 119
198 41 166.9	Fed. Rep. of Germany	9 September, 1998	Yes

05/23/2001 09:01 KENYON KENYON

And I hereby appoint Richard L. Mayer (Reg. No. 22,490), Gerard A. Messina (Reg. No. 35,952) and Linda M. Shudy (Reg. No. 47,084) my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Please address all communications regarding this application to:

KENYON & KENYON
One Broadway
New York, New York 10004



26646

PATENT TRADEMARK OFFICE

CUSTOMER NO. 26646

Please direct all telephone calls to Richard L. Mayer at (212) 425-7200.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful and false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor: **Axel SUSEN**

Inventor's Signature: _____

Date: _____

Residence: **Heinrichsallee 66
52062 Aachen
Federal Republic of Germany**

Citizenship: **Federal Republic of Germany**

Post Office Address: **Same as above.**

03/23/2001 09:31 KENTON - KENTON / 24000114001000000
Inventor: **Stefan BROCK**

Inventor's Signature: Stefan Brock

Date: 18.7.01

Residence: **Hennefer Strasse 6b
53737 Sankt Augustin
Federal Republic of Germany**

Citizenship: **Federal Republic of Germany**

Post Office Address: **Same as above.**

[2345/147]

ASSIGNMENT

WHEREAS, WE,

Axel SUSEN
Heinrichsallee 66
52062 Aachen
Federal Republic of Germany
Citizenship: German

and

Stefan BROCK
Hennefer Strasse 6b
53737 Sankt Augustin
Federal Republic of Germany
Citizenship: German

have made new and useful inventions and discoveries in **METHOD FOR VERIFYING ACCESS AUTHORIZATION FOR VOICE TELEPHONY IN A FIXED NETWORK LINE OR MOBILE TELEPHONE LINE AS WELL AS A COMMUNICATIONS NETWORK**, the specification of which was filed as International Application Number PCT/EP99/06371 on the 30th day of August, 1999, and filed on March 9, 2001 as a U.S. application having Serial No. 09/786,819 for Letters Patent in the U.S.P.T.O.; and

WHEREAS Deutsche Telekom AG, having a place of business at **Friedrich-Ebert-Allee 140, D-53113 Bonn, Federal Republic of Germany**, and who, together with its successors and assigns, is hereinafter called "Assignee," is desirous of acquiring the title, rights, benefits, and privileges hereinafter recited,

NOW, THEREFORE, for valuable consideration furnished by Assignee to us, receipt and sufficiency of which we hereby acknowledge, we hereby, without reservations:

1. Assign, transfer, and convey to Assignee the entire right, title, and interest in and to said inventions and discoveries, said application for Letters Patent of the United States of America, any and all other applications for Letters Patent on said inventions and discoveries, including all divisional, renewal, substitute, and continuation applications based in whole or in part upon said inventions or discoveries, or upon said applications, and any and all Letters Patent, reissues, and extensions of Letters Patent granted for said inventions and discoveries or upon said applications, and every priority right that is or may be predicated upon or arise from said inventions, said discoveries, said applications, and said Letters Patent.

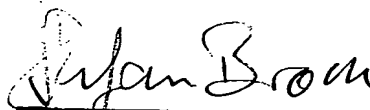
2. Authorize Assignee to file patent applications in any or all countries for any or all of said inventions and discoveries in our names or in the name of Assignee or otherwise as Assignee may deem advisable, under an International Convention or otherwise.

3. Authorize and request the Commissioner of Patents and Trademarks of the United States of America and the empowered officials of all other governments to issue or transfer all said Letters Patent to Assignee, as assignee of the entire right, title, and interest therein or otherwise as Assignee may direct.

4. Warrant that we have not conveyed to others any right, title, or interest in said inventions, discoveries, applications, or patents or any license to use the same or to make, use, or sell anything embodying or utilizing any of said inventions or discoveries; that we have good right to assign the same to Assignee without encumbrance; and that we are aware of no claim to the contrary.

5. Bind our heirs, legal representatives, and assigns, as well as ourselves, to do, upon Assignee's request and at Assignee's expense, but without additional consideration to us or them, all acts reasonably serving to assure that the said inventions and discoveries, the said patent applications, and the said Letters Patent shall be held and enjoyed by Assignee as fully and entirely as the same could have been held and enjoyed by us, our heirs, legal representatives, and assigns if this assignment had not been made; and particularly to execute and deliver to Assignee all lawful application documents including petitions, specifications, and oaths, and all assignments, disclaimers, and lawful affidavits in form and substance as may be requested by Assignee; to communicate to Assignee all facts known to us relating to said inventions and discoveries or the history thereof; to furnish Assignee with any and all documents, photographs, models, samples, and other physical exhibits in our control or in the control of our heirs, legal representatives, or assigns which may be useful for establishing the facts of our conceptions, disclosures, and reduction to practice of said inventions and discoveries; and to testify to the same in any interference, arbitration, or litigation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 18 day
of 07, 2001.



Stefan BROCK